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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
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Summary record of the 248th meeting
Held at the Palais Wilson, Geneva, on Thursday, 7 April 2016, at 3 p.m.

Chair: Ms. Cisternas Reyes

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Uganda (CPRD/C/UGA/1; CRPD/C/UGA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Uganda took places at the Committee table.*

2. **Mr. Madada** (Uganda), introducing his country's initial report (CRPD/C/UGA/1), said that the Ministry of Gender, Labour and Social Development was the government institution charged with protecting the rights of persons with disabilities. Those rights, including the right to respect and human dignity, were explicitly recognized by the Constitution of Uganda, which provided that the State should take appropriate measures to ensure that persons with disabilities realized their full mental and physical potential; that marginalized groups, including persons with disabilities, should be fairly represented on all constitutional and other bodies; that the development of sign language for deaf persons should be promoted; that persons should not be discriminated against on the basis of disability, among other grounds; and that the State should take affirmative action in favour of persons with disabilities to redress imbalances. In fact, the number of persons with disabilities elected to Parliament significantly exceeded the affirmative action quota of five persons provided for by law.

3. The Equal Opportunities Commission was now fully functional and had the powers of a court, including the authority to impose prison sentences. The Commission had resolved 11 of the 16 cases on disability issues reported to it that year. It had also launched a free hotline to report discrimination and was undertaking a study on unequal remuneration in the public and private sectors. The protection of the rights of persons with disabilities had been enhanced by the revision of the Public Finance Management Act which had introduced mandatory sectoral audits by the Commission to ensure compliance with gender and equity standards. The Persons with Disabilities Bill (2014) currently before Parliament provided for the amendment of the Magistrates Act and Trial on Indictment Act to eliminate subjective definitions of persons with disabilities and progressively harmonize definitions with the Constitution and international standards. In addition to the National Policy on Disability, a range of other policies also took account of persons with disabilities, including the National Equal Opportunities Policy, the National Employment Policy, the National Gender Policy and the National Culture Policy. New programmes such as the Women's Entrepreneurship Programme and the Youth Livelihoods Programme specifically targeted women and young people with disabilities.

4. Uganda had a strong civil society movement, and institutions such as the National Union of Disabled Persons of Uganda had thrived. The State party's initial report and replies to the list of issues had been prepared on the basis of extensive consultations with a range of stakeholders, including organizations of persons with disabilities. Since the report had been submitted, the results of the National Housing and Population Census had been published, indicating that persons with disabilities made up 12.4 per cent of the total population and 14 per cent of children aged between 2 and 5. The Government was aware that the Convention required progressive realization of rights and was committed to the continuous implementation of the Convention in line with the National Development Plan, Vision 2040 and other national realities.

5. **Mr. Basharu** (Country Rapporteur) said that thanks were due to the organizations of persons with disabilities and the Uganda Human Rights Commission for their valuable contributions to the dialogue with the Committee. He commended the State party on the practical steps it had taken, through affirmative action, to include persons with disabilities

in the Ugandan Parliament. However, he expressed concern at the restrictions in the Electoral Law and the Constitution that prevented persons with disabilities, especially persons with psychosocial and intellectual disabilities, from standing for election. It was regrettable that there were varying definitions of disability in different statutory provisions and that several bills that would advance the lives of persons with disabilities, such as the Persons with Disabilities Bill (2014) and the Mental Health Bill (2014), were still awaiting enactment.

6. The Committee was also concerned about discriminatory practices against persons with disabilities under several laws and the use of derogatory language, such as "unsound mind" and "lunacy", in laws, policies and government documents. Although there was a certain level of consultation with organizations of persons with disabilities, it was not all-inclusive, and efforts should be made to ensure the participation of women, young people and children with disabilities as well as persons with psychosocial disabilities.

7. He expressed concern at reports of physical and sexual violence and abuse against women and children with disabilities in family settings, institutions, mental health facilities and programmes run by non-governmental organizations (NGOs) and the absence of complaint mechanisms. He would be grateful for information on the accessibility of hotlines, shelters and victim support services to persons with disabilities. He invited the delegation to comment on the worrying reports of forced medical treatment, practices classified as torture, cruel, inhuman and degrading treatment or punishment, the use of physical and chemical restraints and the isolation of persons with disabilities in psychiatric hospitals, and the absence of measures to ensure that persons with disabilities were enabled to give their free consent to medical or scientific experimentation.

8. Noting that persons with disabilities in the State party experienced a range of barriers to their personal mobility, such as having to pay double fares on public transport when using devices such as wheelchairs, he said that the State party should make efforts to increase funding for the procurement of assistive mobility aids and appliances, provide sunscreen to persons with albinism and provide training for mobility instructors to help blind persons avoid road accidents. He would welcome further information on the situation of deaf and deaf-blind children and measures to ensure their protection and inclusion in society as well as the main challenges with respect to the recognition of sign language as an official language in the State party.

9. Noting that deaf and blind persons were deprived of their medical privacy in hospitals because information given to them was channelled through interpreters and guides, he said that public and private institutions should provide the necessary support services to protect the right to privacy of persons with disabilities and the Government should develop a legal framework for the protection of data and privacy. Given that blind persons had difficulty in accessing cash dispenser services owing to the absence of audio description, banks should develop a system that enabled persons with disabilities, particularly blind persons, to access all banking services independently.

10. He would be interested to hear from the delegation about how persons with disabilities would be taken into account in the country's economic development plans and what specific measures would be taken to ensure that they had access to education, health care and employment on an equal basis with others. He stressed the importance of addressing the situation of persons with disabilities from a perspective based on human rights rather than charity.

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11. **Mr. Al-Tarawneh** asked what budgetary resources the Government had allocated to making the built environment accessible for persons with disabilities, what efforts were

made to enforce building codes and implement accessibility plans, and how organizations of persons with disabilities were involved in such activities.

12. **Mr. Ruskus** expressed concern about the strong stigma attaching to persons with disabilities, manifested through differential treatment, humiliating nicknames and isolation, for example, as well as the many misconceptions about disability and the strongly held traditional beliefs that mental health problems were associated with evil spirits, witchcraft and curses. He wondered what measures the State party planned to take, with the active involvement of organizations of persons with disabilities, to raise awareness at all levels of society in order to effectively remove the stigma and portray persons with all kinds of disabilities in a manner consistent with the Convention and the Nairobi Declaration Inclusive Post-2015 Development Agenda for Persons with Disabilities in Africa. He would be interested to hear about training for professionals working in all areas of the public sector, including social protection and health, public administration and justice, education and employment, and transportation and building design.

13. **Mr. Kim** Hyung Shik, noting from the initial report that there appeared to be a lack of real understanding of some of the key principles of the Convention, asked what training programmes were in place to educate policymakers and ministries on the Convention. He wondered how accessibility, education and employment would be addressed given that the Persons with Disabilities Bill did not refer to reasonable accommodation. Although he understood that the State party faced a lack of resources, he stressed the importance of identifying immediate priorities for the implementation of the Convention and avoiding an overreliance on the idea of progressive realization of rights.

14. **Ms. Pavey** asked how successful Uganda's National Culture Policy had been in changing deeply entrenched attitudes towards persons with disabilities and in eradicating traditional practices that infringed their rights. She would also like to receive information on any further initiatives that the State party planned to undertake in that area.

15. **Ms. Kingston** asked what measures the State party was taking to combat stereotypes about persons with disabilities, especially in rural areas; whether persons with disabilities could lodge complaints concerning multiple and intersectional discrimination; and, if so, what legal remedies were available to them. It would also be useful to know whether the State party's policies for dealing with gender inequality included a disability dimension and whether its legislation and policy on disability rights were gender-inclusive.

16. **Ms. Quan-Chang** asked whether the State party had already begun the process of aligning its domestic legislation with the Convention and whether organizations of persons with disabilities had been involved in that process. She also wished to know how the State party planned to ensure that women with disabilities were duly represented and could participate fully in women's councils at all levels.

17. **Ms. Degener** asked how the State party involved organizations of persons with disabilities in implementing the Convention; whether such organizations had been involved in drafting the Persons with Disabilities Bill (2014); what steps the State party had taken to comply with the constitutional requirement for persons with disabilities to be represented in all public bodies; and what progress the State party had made in bringing its domestic legislation into conformity with the Convention. She also wished to know what measures the State party had taken to protect women with disabilities against sexual violence in all settings and multiple discrimination, and to expedite the transition to a human rights model of disability in the country.

18. **Mr. You** Liang said that, although the State party had adopted a raft of policies and measures intended to promote and protect the rights of persons with disabilities, there still appeared to be many obstacles to their effective implementation. He asked how the State party raised public awareness of those policies and measures and whether organizations of

persons with disabilities were consulted on activities to promote their implementation. The delegation should also indicate whether, in Uganda, the Internet was accessible to deaf and blind persons, and how the economic empowerment of women with disabilities was promoted in the country.

19. **Mr. Parra Dussan** asked whether the State party had identified specific laws that ran counter to the Convention and that should be repealed; whether acts of discrimination, particularly on the basis of disability, constituted a criminal offence; and what penalties were imposed for such acts.

20. **Mr. Pyaneandee** said that, while the principle of non-discrimination against persons with disabilities was enshrined in the Ugandan Constitution, it seemed to be merely symbolic, as the State party had still not aligned all of its domestic legislation with the Convention. He asked whether any judicial rulings had been issued that could serve to enhance the protection already afforded to the rights of persons with disabilities by the Convention. He enquired about the number of complaints of discrimination on the basis of disability received by the Equal Opportunities Commission and the legal remedies available to complainants. Lastly, he wished to know how the State party empowered persons with disabilities who had suffered discrimination to vindicate their rights.

21. **Mr. Tatić**, noting that Ugandan domestic legislation made no explicit reference to the duty to provide reasonable accommodation for persons with disabilities in the legal system, asked whether the State party planned to include the denial of such accommodation in its definition of discrimination based on disability. Turning to the question of accessibility, he drew the delegation's attention to the Committee's general comment No. 2 on that subject, which could help to guide the State party's efforts in that area. He asked whether the State party provided training on universal design to all architects, urban planners, engineers and designers, and how it enforced the application of those principles in practice. He also wished to know whether the necessary support services and accessibility features were in place to allow wheelchair users visiting Uganda to travel from the airport to the city centre unhindered, and whether hotels and government buildings were also accessible to those persons. Lastly, he requested additional information on the measures being taken by the State party to combat negative stereotypes and prejudices about persons with disabilities, particularly persons with albinism, which could lead to acts of violence being committed against them.

22. **Mr. Buntan** asked how the State party planned to guarantee the systematic and continual involvement of organizations of persons with disabilities in the formulation of laws and policies concerning them. It would be useful to know how many complaints of discrimination and/or human rights violations the Equal Opportunities Commission had received from persons with disabilities or organizations representing them, and whether information on the existence and mandate of the Commission was widely available. He also asked whether the Building Control Act 2013 would include accessibility standards and, if so, whether those standards would be legally binding. Were there standards and/or guidelines in place to ensure the accessibility of information and communication technology products and services to persons with disabilities in Uganda?

23. **Mr. Basharu** asked what steps the State party had taken to bring the various definitions of disability contained in its domestic legislation into line with the Convention; and whether the State party intended to invest more heavily in awareness-raising actions aimed at the public, government departments and ministries and the media on the rights of persons with disabilities so as to lessen the burden on organizations of persons with disabilities in that regard. The Committee had received reports that, although the Ugandan Constitution provided a legal framework for the right to life, in practice, that right often did not extend to persons with disabilities who, in some communities, could be killed or

sacrificed as part of a ritual on account of their impairment. He asked what measures the State party had taken to protect those persons' right to life.

24. **The Chair** asked why the State party had not yet ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and what measures it had taken to give effect to the recommendations made by the Committee on Economic, Social and Cultural Rights in its 2015 concluding observations (E/C.12/UGA/CO/1), in which it had called upon the State party to adopt a comprehensive anti-discrimination law and to take steps to combat and prevent discrimination and societal stigma against persons with disabilities and lesbian, gay, bisexual, transgender and intersex individuals. Lastly, she wished to know how the State party planned to involve civil society in the voluntary national review process of the high-level political forum on sustainable development.

The meeting was suspended at 4.10 p.m. and resumed at 4.40 p.m.

25. **Mr. Mujuni** (Uganda), responding to Committee members' questions, said that efforts had been made to ensure that the Mental Health Bill, in its current wording, as well as electoral law and other areas of legislation, did not use derogatory language to refer to persons with disabilities. As part of the National Culture Policy and efforts to eliminate negative traditional beliefs, the Government was conducting a review of existing cultural laws. The mandate of a newly established centre for cultural excellence included the promotion and development of persons with disabilities within the creative industries, while the action plan under the National Culture Policy also contained measures to enhance the skill sets of persons with disabilities and help them to promote their own crafts and other products.

26. He assured the Committee that Ugandan legislation and policy on disability rights were gender-inclusive.

27. There were clear guidelines on how the courts were to deal with cases of discrimination. Courts could impose fines or sentence perpetrators to up to 15 years in prison, depending on the seriousness of the offence. Regarding lesbian, gay, bisexual, transgender and intersex persons, the Constitution was very clear that all persons were entitled to equal access to services and the Government was also guided by the judgments of the Constitutional Court.

28. Lastly, the Government had initiated the development of anti-torture legislation in anticipation of the future ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

29. **Ms. Kaggya Nabulime** (Uganda) said that within the framework of the National Policy on Disability various awareness-raising activities were carried out, including the promotion of persons with disabilities and their rights through the media and creative arts. A disability awareness programme included activities such as giving talks to parents, communities and service providers to raise awareness of the rights of persons with disabilities and ensure that they were respected. A national day for persons with disabilities was widely promoted in the media.

30. Regarding stigmatization, the Government was in the process of amending various cultural laws and identifying negative tendencies relating to persons with disabilities. Similarly, the National Culture Policy placed an emphasis on social inclusion, and traditional leaders were involved in disability awareness-raising in local communities.

31. A national plan on disability was currently being developed, while disability awareness and sign language training had already been provided to some service providers. Consultations were ongoing in relation to the Persons with Disabilities Bill, which encompassed various areas of life and accessibility of basic services, such as hospital beds

for persons with disabilities. Women with disabilities were represented at local council level and each district had two elected representatives — a man and a woman — who advocated on issues relating to persons with disabilities.

32. **Ms. Nampeera** (Uganda) said that the Government had launched a range of affirmative action measures to promote the economic empowerment of women with disabilities. For example, half of the special grants available for persons with disabilities were reserved for women applicants, and 30 per cent of the beneficiaries of a women's economic empowerment programme, launched in 2015, were women with disabilities.

33. **Mr. Madada** (Uganda) said that civil society was consulted during the formulation of all policies and legislation and that all stakeholders were invited to provide further input after a bill's first reading by Parliament, which meant that amendments could yet be made to the bill amending the Persons with Disabilities Act. That bill currently included various provisions to promote inclusiveness, such as one stipulating that schools were obliged to provide assistive devices or learning materials in accessible formats to students with disabilities. Sanctions could be applied for failure to comply with those principles. Similarly, the Government had recently approved a comprehensive social protection policy that also paved the way for greater social inclusion of persons with disabilities.

34. While civil society organizations were undoubtedly active in terms of awareness-raising, the Government also contributed to disseminating information about persons with disabilities and their rights through continuous dialogue with the media. A public service television programme was dedicated to issues related to persons with disabilities. In short, Uganda was making steady progress and was committed to ensuring that persons with disabilities were included in all policy and programme areas.

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35. **Ms. Quan-Chang** said that she was concerned that persons with psychosocial disabilities were routinely institutionalized in the State party; that there was a lack of proper regulation, oversight and monitoring of those institutions; and that the public health legislation was obsolete and reflected a medical approach to persons with disabilities rather than one based on human rights. The conditions in institutions housing persons with psychosocial disabilities were deplorable and individuals were often subjected to cruel, inhuman or degrading treatment and a general lack of basic hygiene and sanitation. She asked how many persons with disabilities, particularly those with psychosocial disabilities, were interned in such institutions.

36. She wished to know whether the State party intended to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a robust and effective national preventive mechanism in order to monitor psychiatric hospitals and other institutions responsible for treating persons with psychosocial disabilities. What efforts had been made to protect particularly vulnerable persons with disabilities against ill-treatment and abuse, notably children, women and older persons?

37. **Ms. Pavey** said that she would welcome additional information on the impact of national awareness-raising campaigns aimed at combating discriminatory cultural beliefs concerning disability. Up-to-date information on the situation facing refugees with disabilities in the country would also be welcome, including any examples of good practice adopted in respect of the employment and inclusion of refugees in society.

38. **Mr. Tatić** asked what measures had been adopted to ensure access to State facilities and services for persons with disabilities and to provide signage and information in Braille and accessible, easy-to-read formats. He also wished to know whether the Government provided disability allowances so that persons with disabilities could hire personal

assistants where appropriate and, if so, whether such assistants had access to specific training in order to perform their duties effectively.

39. **Ms. Degener** asked what efforts had been made to combat sexual and gender-based violence against women and girls with disabilities and address the multiple forms of discrimination they faced. She also wished to know more about the drafting process and status of the Mental Health Bill, including whether organizations of persons with disabilities had been actively involved at all stages of its preparation and whether the bill prohibited involuntary detention. Lastly, she asked whether refugees with disabilities had access to support services and assistance on an equal basis with other refugees.

40. **Mr. Buntan** said that he wished to know whether the Government had adopted minimum standards or guidelines aimed at guaranteeing access to information and communication technologies for persons with disabilities. He asked what measures had been taken to ensure effective access to justice for persons with disabilities and provide appropriate training for personnel working in the field of administration of justice, such as police officers and prison staff. Information on the steps taken to ensure that persons with disabilities, particularly deaf, blind or deaf-blind persons, had equal access to banking services would also be welcome. Lastly, he wished to know whether persons with disabilities and their representative organizations had been actively involved in the design, implementation and monitoring of the National Disaster Risk Reduction and Management Policy.

41. **Ms. Kingston** asked what actions had been organized to combat gender-based violence against women with disabilities living in refugee camps and prevent their abduction and sexual exploitation. She also wished to know whether the Government intended to incorporate a reference to persons with disabilities into its national policy on internally displaced persons and ensure that all persons with disabilities had access to the same level of psychological support and community-based rehabilitation as that provided to landmine survivors. Lastly, she asked what efforts had been made to tackle the sexual exploitation of deaf women and girls and eradicate virgin cleansing (the practice of having sex with virgins as a cure for HIV/AIDS) which disproportionately affected women with disabilities owing to the common misconception that they were sexually inactive.

42. **Mr. Kim** Hyung Shik said that he would like to know whether senior policymakers had received training on the provisions of the Convention. He also asked what steps had been taken to protect persons with disabilities against torture and ill-treatment, particularly children with psychosocial disabilities, persons with albinism and persons with disabilities living on the streets. What reasonable accommodation measures had been introduced for prisoners with disabilities, specifically those with psychosocial disabilities?

43. **Mr. Pyaneandee** asked what policies had been developed to combat torture and cruel, degrading or inhuman treatment of persons with disabilities and ensure that victims with disabilities had access to justice and effective remedies on the same basis as others.

44. **Mr. You** Liang said that he would like to know whether the State party had taken effective measures to facilitate access to assistive devices and mobility aids for persons with disabilities.

45. **The Chair** asked whether the Government intended to repeal the provision of the Citizenship and Immigration Control Act that prohibited dual citizenship for persons deemed to be of "unsound mind". She also wished to know what concrete measures had been taken to eradicate female genital mutilation. Lastly, she enquired whether persons with psychosocial disabilities charged with an offence could be declared incapable of standing trial and, if so, under what circumstances and for how long.

46. **Mr. Basharu** said that he would welcome updated information regarding the operational status of the district disaster management committees established under the National Disaster Risk Reduction and Management Policy. He also wished to know what steps had been taken to ensure that information and support services for victims of gender-based violence were accessible to women with disabilities. What training had been provided to judicial officials and health-care professionals responsible for dealing with women victims of gender-based violence with disabilities?

47. **Mr. Lovászy** asked whether efforts had been made to establish a national Internet and mobile phone accessibility action plan that contained specific provisions for the benefit of persons with disabilities, notably blind and deaf persons and persons with visual and/or hearing impairments.

The meeting rose at 5.40 p.m.